

**MINUTES OF THE REGULAR MEETING  
MASSILLON CITY COUNCIL  
HELD MONDAY, SETEMBER 16, 2019**

**COUNCIL PRESIDENT ISTNICK** – Welcome to the Massillon City Council Meeting for Monday, September 16, 2019. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Andrea Scassa, Economic Development Director, Dave Maley, Fire Chief, Tom Burgasser and Atty. Leslie Kuntz. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

**COUNCIL PRESIDENT ISTNICK** – Roll call.

**1. ROLL CALL**

Roll call for the evening found the following Council Members present: Jill Creamer, Sarita Cunningham, Mike Gregg, Jason Harris, Dave Irwin, Ed Lewis, Linda Litman, Paul Manson and Megan Starrett.

Roll call of 9 present

**2. INVOCATION**

**COUNCILMAN HARRIS**

**3. PLEDGE OF ALLEGIANCE**

**LED BY COUNCILMAN HARRIS**

**4. READING OF THE JOURNAL**

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilman Harris. Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

**COUNCIL CLERK ROLLAND** – No. I'm still working on them, but they should be published tomorrow on the website.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

**5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

**BRUCE VRSAN** – I live at 1211 Springhill Ave. N.E., Massillon, Ohio, and I am opposing Case No. 2103 and that's a variance that was sought by Gary and Linda Miller on their side lot. The standard setback rule is 12'. They want it to be 5'. I'm six feet tall so that's less than the distance than I am tall and what of the things that was advertised about Springhill back in the 60's is that they advertised wide, big lots and in a historic area in an area that had farming to its agricultural area. Well, now having your neighbor 5' 6" away from your property line; I think

that goes against the ambiance that people sought when they purchased their homes. And so, I'm opposing this. I don't know how many of you people have your homes 5' or 6' away from the property line of our neighbor. Is that something that you're looking forward to? I'm not. But I'm sure that there are other people who feel the same way, they're just too shy to say anything about it. I've never been shy about things like this. Anyway, I think that that's no good. It's not in the best interest of the neighborhood or the City of Massillon and it also creates a hazard, being so close to our house. If one of our houses catches on fire that could be a potential problem and flame up the neighboring house. That's something that we haven't had. That's my point. We can't have it, no. You people think that's a good thing to have? You cram that in with a shoe horn? I think you very much for your time.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else?

**THOMAS SOMASBERGER** – I the builder for Mr. & Mrs. Miller. He's actually 70' from his house to the property line. You can actually build a garage 3' from your property line and he's talking about a fire. A garage is a lot worse than a house. So, I can build a garage on the back corner of the property 3' off the side, the west and 3' off the south and it is absolutely to code. We're 5' 6", his lot is pie-shaped, so, what we're trying to do is make it appealing and not make it look like a sore thumb. It'll all be brick. This is going to be expensive; it's going to be very nice. So, he's talking 5' 6", how about a garage 3', which is legal per your codes, the City codes and it's 70' from the back of his house. So, he could actually build a garage on the back of his property, 3' off their property line. I just wanted to bring that so everybody knows the boundaries. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else? Seeing none, Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. At this point I'd like to make a motion that we enter into Executive Session pursuant to O.R.C. Section 121.22(g)(4) to review negotiations and bargaining sessions with public employees of the Massillon Fire Department concerning their compensation and other terms and conditions of their employment. I'd like to invite Mayor Catazaro-Perry, Safety Service Director Sylvester, Chief Burgasser, Law Director, Andrea Scassa, Atty. Leslie Kuntz, all of Council, Council President and Council Clerk.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call.

9 yes to enter into Executive Session – 6:40 p.m.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. I move that we return from Executive Session.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call.

9 yes to exit Executive Session – 7:00 p.m.

## **6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to execute a Release Agreement with Rover Pipeline, LLC, for the release of the Road Use and Maintenance Agreement (RUMA), and declaring an emergency.

**COUNCIL PRESIDENT ISNTICK** – Councilman Irwin.

**COUNCILMAN IRWIN** – Thank you, Madam President. As Sarita discussed with you last week, this is just releasing the agreement between the City of Massillon and Rover Pipeline, LLC, and I believe there were no questions or anything. I believe everything has been taken care of as far as any damages. Can I have Dave come up?

**DAVE MALEY** – Yes. Our Engineering Dept. did check out the road and everything and found no issues.

**COUNCILMAN IRWIN** – Any questions? Linda.

**COUNCILWOMAN LITMAN** – Just to confirm, the payment that was part of the contract has already been received?

**DAVE MALEY** – Quite some time ago, yes.

**COUNCILWOMAN LITMAN** – Thank you.

**COUNCIL PRESIDENT ISTNICK** – Any other questions? Councilman Manson.

**COUNCILMAN MANSON** – Yes. So that means that they are finished?

**COUNCILMAN IRWIN** – Yes. All their equipment is out and everything, yes. They finished it up a while ago. Any other questions? If there are no other questions, I'd like to make a motion that we waive the rule requiring three readings and bring Ord. No. 117 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 117 – 2019 has passed. Ord. No. 118 – 2019.

**ORDINANCE NO. 118 – 2019**

**BY: RULES, COURTS & CIVIL SERVICE COMMITTEE**

AN ORDINANCE requesting City Council of the City of Massillon, Ohio, to consider and vote to reject a State of Ohio State Employment Relations Board Report and Recommendation of a Fact-Finder, Case No. 2018 MED 05-0518, and to continue negotiations with the Massillon Firefighters, IAFF Local No. 251, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Thank you, Madam President. This is the ordinance that we discussed in Executive Session. It was, obviously, some urgency with this. I plan to bring it forward for a vote unless there are other questions or concerns. Mr. Manson.

**COUNCILMAN MANSON** – A “yes” vote is to reject, right?

**COUNCIL PRESIDENT ISTNICK** – A “yes” vote is to reject.

**COUNCILMAN GREGG** – Thank you. Any other questions? Seeing none, I move that we waive the rules requiring three readings and bring Ord. No. 118 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 118 – 2019 has passed. Ord. No. 119 – 2019.

**ORDINANCE NO. 119 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Income Tax Capital Improvement Fund for the upgrade to the front entrances of the Justice and Police Departments in order to be ADA compliant, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This is the ordinance that these doors that would be part for the of this facility that we’re in now do have a cost of \$50,000 is what we’re looking at having to appropriate for this job. We do have some quotes. It’s looks like there are multiple quotes for different pieces of the job instead of one quote for the entire job. I also had some questions about the law and how this would align to the laws to get in compliance. My initial inclination was to just give it first reading, but if there’s anybody that wants to have discussion tonight, I’ll open the floor for that, Madam President.

**COUNCIL PRESIDENT ISTNICK** – Any questions or comments? Councilwoman Creamer.

**COUNCILWOMAN CREAMER** – I just have a question. Are we going to get other quotes since this is really one quote with multiple pieces and parts?

**COUNCILMAN LEWIS** – That I would have to ask the Administration.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Ms. Sylvester.

**BARB SYLVESTER** – Good Evening. Yes. We did make an attempt to get additional quotes. We did struggle with that, Frank Silla and myself. We had probably three other vendors that we reached out to and were not available to get quotes from them. Either because of their workload at this particular time or because of the type of setup that we were putting down there in regards to where it's at in front of our security. You see the multiple quotes here. We also wanted to be in conjunction with Pro Tech who is doing and has done in the past the security for our buildings because, again, we want to make sure that we address the fire code as well as we address the code if we need to lock down the facility. And that's the piece that Pro Tech is putting into it for us. So, we did have companies who declined the quote for us. And the other pieces that are there are to go along with it and I did have Frank also get the quotes for the signs downstairs that we're going to redo the signs in the areas down there as well to get that up to date.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – Based on the pieces and parts that you have here, does this total fall under the \$50,000 that you're requesting?

**BARB SYLVESTER** – It might be a little bit over the \$50,000 now that I've included the signs in there with it. But I figure at this point going forward, we'd want to know. But it's just going to be a little over \$50,000, so, it shouldn't be any problem coming out of the 1401 account. The Auditor is well aware of it as well.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – I'd just like to say that in the past we found Stark Glass to be highly competitive and I know they are competitive because they do a lot of work north of here. So, they're probably competing with people that have higher cost of operation and very few complaints about their work. So, I'd be supportive of this.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris, did you have something?

**COUNCILMAN HARRIS** – Yes, thank you, Madam President. I'd just like to say that I'd be more inclined to vote for this if I had a better idea of what it's going to cost to bring the entire building up to ADA compliancy. Maybe we could look into that, or not, I don't know if that matters to anybody else.

**BARB SYLVESTER** – The entire building, you mean in regards to what else needs to be?

**COUNCILMAN HARRIS** – Bathrooms?

**BARB SYLVESTER** – We're working on that. But we thought it was most important to at least get the doors compliant at this particular time. But we are getting quotes. The bathrooms are going to larger construction than what we're able to do with this immediately.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – I know talking to the guys on the equipment downstairs that they have people in and out. Sometimes they get called into action to help get people in and out of this building that some of them really struggle. So, we do need to get it done.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I'm just curious. It seems like last week there was a lot of questions. This week is a little be more subdued. Is there a need to go to second reading or do we want to take care of this this evening? I'm impartial either way.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Starrett.

**COUNCILWOMAN STARRETT** – I think I would prefer if we could move it forward. I think that this was something that needs to be addressed. As I said last week at the Work Session, this is one of our most used buildings in the City and the attire general public needs access for one reason or another to this building almost every single day. There's a ton of people in and out of here and as Paul mentioned, sometimes the security personnel has to help people in and out. So, this is clearly something that needs to be addressed.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – I don't have a problem moving it forward either. I'm just looking for good faith initiative, I guess, from the Administration to get some quotes moving on the rest of the building. It's great to get people with disabilities into the building, but, if they can't use the bathroom while they're here, that's an issue.

**BARB SYLVESTER** – We're going to have to hire an architect in order to be able to that next step and that's the process we're at right now. So, we'll have to go out a Request for Qualifications and that's the step that we're at right now for the restrooms.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Litman.

**COUNCILWOMAN LITMAN** – A question that I had last week was Johnson Controls and whether they were going to be able to give us any information on the ADA and Barb had answered that prior a meeting today saying that they are not going to be involved at all in being able to provide us with any information or recommendations on the ADA compliance.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Seeing what appear then that most of the members of Council have had their questions satisfied, I would make a motion that we suspend the rules requiring three readings, bringing Ord. No. 119 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilman Manson. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 119 – 2019 has passed. Ord. No. 120 – 2019.

**ORDINANCE NO. 120 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the Neighborhood Community Fair related expenses and Christmas parade related expenses, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – Yes. This ordinance is a total of \$550.00 and is past due. Any questions? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 120 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 120 – 2019 has passed. Ord. No. 121 – 2019.

**ORDINANCE NO. 121 – 2019**

**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2019 appropriations from within the 1100 General Fund to cover Code Enforcement salary and costs due to staff addition, for the year ending December 31, 2019, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – This is a transferring of funds as it said, just to cover the additional code enforcement officer that we have taken on this year. Are there any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 121 – 2019 forward for a vote.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.

9 yes for passage

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Ord. No. 121- 2019 has passed. Res. No. 6 – 2019.

**RESOLUTION NO. 6 – 2019**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN RESOLUTION denying the appeal made to Massillon City Council on September 10, 2019, wherein the Zoning Board of Appeals approved a variance from the Massillon Zoning Code for a proposed addition at 1225 Springhill Ave. N.E., on Parcel No. 603368 and Parcel No. 613642 in the City of Massillon, Ohio, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes. Thank you, Madam President. Talk about one that we've discussed before. We've spent a lot of time of this. We had a problem with the 5' 6" on the original request for the variance and it should have been addressed, there was an error. So, we asked the Zoning Board to go back and have another meeting and reconsider that with the 5' 6". They did that, it was unanimous. This is not unreasonable. These people are building a very fine home. I think you can go all around Massillon and you can find situations like this all over town. Variances, we do have codes that we need to be consistent, but they also have a system to be able to make exceptions, which you have to have that and that's what the variance system is. And when the original thing was brought up that night and every one of them was approved. Many, many, many variances are approved. Some are rejected that maybe are just way over the top, but this is not. This just reasonable. There's an investment here and their home in this town and they want to stay here and I think it's time we move this forward. If I don't hear any objections, I intend to waive the rule. Hearing none, I make a motion that we waive the rule requiring three separate readings and bring Res. No. 6 – 2019 forward for, let's make sure clear how we do this. We want to reject this resolution, right?

**COUNCILMAN LEWIS** – A "yes" vote would deny the appeal, a "no" vote would fall in favor of appeal. So, if you are wanting to be in favor of...

**COUNCILMAN MANSON** – I want to deny the appeal. That's approving the Zoning Board's decision. So, a "yes" vote would deny the appeal. Did I make the motion?

**COUNCIL PRESIDENT ISTNICK** – Yes, and it was seconded by Councilwoman Cunningham. Roll call for suspension.

9 yes for suspension

**COUNCIL PRESIDENT ISTNICK** – And for passage.  
6 yes; 3 no – Litman, Creamer and Harris voted "no"



**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. Res. No. 6 – 2019 has passed.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

Request for a Transfer of Liquor License from Elks One, Inc., DBA Firehouse Grill & Pub, 1<sup>st</sup> Floor and Patio Only, 48 – 2<sup>nd</sup> St. S.E., Massillon, Ohio 44646 to Red Rocket of Massillon, Inc., 1<sup>st</sup> Floor and Patio Only, 48 – 2<sup>nd</sup> St. S.E., Massillon, Ohio 44646. It is located in Ward 2 and Permit Classes are D1, D2, D3 and D3A.

**COUNCIL PRESIDENT ISTNICK** – Councilman Irwin, did you receive this information?

**COUNCILMAN IRWIN** – Yes, I have.

**COUNCIL PRESIDENT ISTNICK** – Thank you.

Request for a TREX, Economic Transfer of Liquor License from Aldi, Inc., DBA Aldi, Inc. #64, 3015 Glendale Ave., Suite 500, Toledo, Ohio 43614 to Aldi, Inc. Ohio, DBA Aldi, Inc. #76, 3541 Erie St. S., Massillon, Ohio 44646. It is located in Ward 4 and Permit Classes are C1 and C2.

**COUNCIL PRESIDENT ISTNICK** – Councilwoman Creamer, did you get a copy of this?

**COUNCILWOMAN CREAMER** – Yes, I did.

**COUNCIL PRESIDENT ISTNICK** – Okay.

**9. BILLS, ACCOUNTS AND CLAIMS**

The Repository	\$ 489.60	Publication of July Ordinances
Keller's Office Furniture	<u>26.02</u>	Office Supplies
<b>Total</b>	<b>\$ 515.62</b>	

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we pay the bills.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Litman. Roll call.

9 yes to pay the bills

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. The bills will be paid and charged to their proper accounts.

**10. REPORTS FROM CITY OFFICIALS**

Auditor's Report - July 2019

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I make a motion that we receive the Auditor's Report.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Roll call.

9 yes to accept the Auditor's Report

**COUNCIL PRESIDENT ISTNICK** – Thank you, Madam Clerk. The Auditor's Report has been accepted.

## **11. REPORTS OF COMMITTEES**

**COUNCIL PRESIDENT ISTNICK** – Our next Work Session is not next Monday. It will not be until Monday, September 30, 2019 at 6:30 p.m. since there are 5 Mondays in the month.

## **12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, thank you, Madam President. There's something that I'd like to talk about and it's not exciting, but I feel that it's necessary especially since we didn't revisit the income tax. Two meetings ago here, I asked when the 90% income tax was being talked about going back to 100%, I asked when that was amended that we take it back to Committee and discuss it some more. It went back to first reading. There are very, very few times that I have ever told somebody "No, we wouldn't do that". But I was told, more or less, pound salt; forget it and that created the attitude that I had when I came in here last week and it hasn't changed a bit, only gotten worse. A number of council people here weren't even on when this thing started. So, I think we need to go back and go through the history of this thing a little bit. I didn't have everything in front of me at the time, but I do have much of it, not all of it, now and I want to start going through some of this and I want to show some of you what was looked at and the history of this thing and why it upset me so much that this went on. How I heard is what we're doing for our constituents on keeping our promise to them, we have other constituents that live and work and have businesses in this City and they're going to keep right on paying this street levy, but we have a street levy and I got this, this is exactly what we voted on, this came from Stark County. "Shall the ordinance providing for a two-tenths percent levy increase on income from 1.8 % to 2% to be effective January 1, 2017 for five years for the purpose of city street maintenance and repair in the city Street Dept. to be passed." Now, nowhere in here does it say that we're going to pass this in 2016, put it into effect January 1, 2017 and then we're going to turn around and go back and say "Look, you people who work outside of town that have a tax credit, we're going lift that two-tenths off of you after two and a half years". Like I said, people who weren't here may not know. I've got ordinances going back and I've got just general discussion where the first two times, it was defeated, what we said that it was going to be just two-tenths. Nobody even considered the language. It was going to be at 100% credit on the 1.8, but everybody was going to pay the two-tenths, everybody and if you read the ordinances that we dealt with, we had one and June 20, 2016, it said "The municipal income tax is raised to 2% January 1, 2017, credit for tax paid to another municipality shall revert to a tax credit of 90%". I believe at that time we had a 75% credit because of what we did for the fiscal emergency. So, we actually improved that situation for that group of people, okay. But now we're going to turn around and take them out of thing

after two and a half years we're voting on it, but they'll pay the first three. They won't pay any of it for the last two years. That's why I said I thought it was outrageous. I think on that one, one of these here, Tony Townsend even signed it. Tony Townsend was the President at the time. It was done on the 8<sup>th</sup> day of September, 2015. I think at that point we thought we were going to have an early election the following year, like in May. But after we consider it, we decided it might be more effective for us if we waited until August to do it. But we went around telling everybody that everybody was going to pay the two-tenths, everybody. Now they're not. All of our employees who work here in the City, they're going to pay the two-tenths. People here on this Council, they're going to pay a little bit on what they make as a Council, but they're not going to be paying it on the \$50,000 or \$60,000 that they're making outside of the City, but everybody else is. That's what upset me so much. You need to consider these things. This is where politicians, we just totally said, all that stuff we said when we were campaigning for a year and a half or two years, we had three different proposals that we voted on. Forget all that stuff. Now that it passed, we're going to take it off for the people that work in another city. That is unfair. That is unfair. There's not much that can be done about now, but I want everybody in Massillon to know about that. It takes money to run a city. I have people calling me weekly wanting to know if they can get their alleys taken care of. If they can get their catch basins taken care with cones on them. If they can get their catch basins taken care of with metal plates which are very dangerous and we're not doing it. With the information I have, in the first year, 2017, we figured roughly now what this is going to cost us. This \$363,630 annually, that's based on 2017. We have a lot more tax revenue today than we did in 2017. I'm sure you're aware of that Mr. Lewis, a lot more. So, that \$363,000 is not \$363,000 now. That may be \$450,000 or maybe even higher. Now we're approaching with the two years that they don't have to pay; that's a million dollars, a million dollars. We talked about loving to have a million dollars to use on streets and now we just said, to hell with it, okay. It's good to talk about the residents that you took care of that work out of the City and increase their credit, but there are a lot of residents in the City that are just going to keep right on paying this. Nobody talks about them. They supported this thing. The people that worked out of town, like I told you, I haven't had anybody say that they really wanted that done. I was selling it to people all the time, everybody's going to pay that two-tenths. I feel like I got stabbed in the back. I'm a taxpayer here. Come on now. This is ugly politics and we know why it was done. They know exactly why it was done and it's very unfair to the Massillon residents. They are going to keep on paying this and very unfair and that our infrastructure is not up to snuff. We may have a great show going on down here in the middle of town, but, as I said, we have catch basins with metal plates that have been on for probably two years. We're adding cones to these catch basins. There are more and more of them. I talked to a person the other night up there at our clam bake and he said I've got one right in front of my house. Nothing wrong with my street, but the catch basins caving in. We haven't got to it. We went from spending from 2012 to 2015 when we were in serious trouble and we weren't getting anything done hardly around here, we spent \$760,000 in three years on catch basins. That's a little over \$250,000 a year. We jumped that to \$435,000 then we jumped that to \$500,000 and we jumped that to \$550,000 and we're still way behind. So, we're going to give back maybe a million dollars of tax that we would have gotten then to add in two years. That's irresponsible. That's exactly what I was getting at and it is irresponsible. I've talked to people that even have to pay it and they didn't have a problem paying it. Now, when you get to, it'll be up in what, the end of 2021, so we'll have to have something new in place in 2022 or it's all going to be gone if we can't get it passed. It will all be gone. Now, you think you're going to go out there and get these people that you gave them their tax credit back at 100% and now that they've come back and back you in two more years from now? You think the people that had to keep paying this thing and then have you pull a rug out from under them and give a special group a break?

They're going to want to jump and pay this? You guys are kidding yourselves. This is irresponsible and I'm not done with it yet. I got more information coming. We sold this thing for two years. We didn't talk about 90%. We talked about 100% credit on 1.8 and everybody pays the 2 and that's the way it is. We told everybody that for two years. Then we came around and we said "No, it's going to be 90%". Everybody's going to get a 90% credit, okay, but they'll be paying the two-tenths. That's what it figures out to. Well yeah, that's fine, but I didn't to go two and half years and have somebody do away with it. I didn't go campaigning for a year and a half trying to get this thing passed. Taxes are not easy to work on, but they are a necessity for a city or school or anybody to operate and I can't believe that more than one person doesn't feel that way.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I just want to point out a couple of things. First off, I understand what Mr. Manson is saying, but his numbers are highly speculative. There's no way to say that the impact would be \$450,000 next year and up to a million dollars. That's per guessing. You have no way to know that the income coming in is coming in from either economic development within the City or townships, which people, such as myself, I work in a township so I still pay the full 2% to the City. So, if there's economic development in the township that would be new revenue to the City at the full rate. So, I would hate for us to come forward and just guess at numbers and put that out there that we're sacrificing a million dollars. That's just not fact; we don't know. That number, if someone wants to run a report and show where the development and the new money is coming and the impact then that's fine. But that is not what was said. As far as the 90% and 75%, I will say that at one point we did have it at 75%. At that point, there was a million dollars that was coming in. We passed the street levy, that took it to the 90% and the street levy brings in 2.2 million. So, the street levy is the fact that we replaced all of those dollars. I didn't hear anyone on Council, a whole lot of people at that time complaining about the million dollars that we were taking from citizens without their consent which is what the crust of this issue is. The tax credit is taking money from citizens without their consent. The last point, as far as "Do you think people will come out in a couple of years and support of a levy now that we've done this?". I guess in my opinion on that is that I do not like holding the wallets of citizens hostage just to get them to vote for our levy in a couple of years. That to me would be unfair as well. So, those are all the comments that I have to make tonight.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – First of all, what you were saying that I can't say that about that amount of money. You know that our tax revenue is growing, okay. You know that. Our income tax revenue is growing. I think I have it here maybe. No, I don't have it, that exactly. That's part of the reason that I wanted to have a meeting and we'd bring all of these other things out. But, in 2016, the first year that we had, no 2017, the first year we had this, in 2016 spent \$700,000 in road repaving. 2017, that was the first year, we knew we would not get all the revenue in 2017. We got \$1,387,000.00. It went from \$700,000 the year before to \$1,387,000.00. It went up over \$600,000 because of the tax ordinance that we had. 2017, \$1,387,000.000. 2018, went from that \$1,387,000.00 to \$1,972,000.00, okay. And we're still not caught up. But that revenue is increasing like that and I'm telling you it's going to continue to increase. Right now, it's probably at the \$450,000 mark. We should get those and we will have those exact numbers. When trends star on taxes they don't hit a wall and stop unless you have a 2018 type of recession that everything just hits the wall. Tax revenue, you can go

back and quote 20 years and check our income tax revenue and it goes like this and then it goes like this. It doesn't go like this and then wham, like this. And it also doesn't turn around and go wham back up. It starts and it gradually starts increasing again as the economy picks up and that's exactly what's going on. We're getting more and more taxes on that, but we are still far behind. You made a statement about we're still going to have a road program. Yes, you are. But hopefully at the end of the five years, we're not going to be looking at having to put a million and a half or two million or three million in per year to get caught up. Hopefully we're getting close to caught up and then we can just start saying this is going to cost us and make a better projection on what it is going to cost annually. We have pot holes in the summer time. To think that we're going to go through a winter and we're not going to have more pot holes. Every year it happens. This is a terrible decision, terrible and it puts a bad face on politicians.

**COUNCIL PRESIDENT ISTNICK** – Councilman Lewis.

**COUNCILMAN LEWIS** – I just have a question. I'm trying, really, I'm trying to understand all the numbers and information you're putting out there, Mr. Manson. You'd said that in 2017 we had about 1.3 and then 2018 1.9 or maybe 2016 was 1.3 or something like that. So, but that growth is on the growth from 1.8 to 2.0 as everything all together. The 90% credit that we're talking about, when we took it from 90% to 100% the impact to that particular fund that you're referencing was only \$35,000. So, at most, even if it's grown it would only be \$40,000 or so. That number \$360,000 has general fund, parks and the street levy. You're quoting the 2.0, the street levy portion and then your expanding it to the complete number which you can't do that mathematically. So, \$263,000 to \$270,000 is going to be general fund, about \$55,000 is the impact on parks and \$35,000 to \$40,000 is the impact to the street levy which is the two million dollars that you're quoting. The rest of that money has nothing to do with that two million. Do we have the freedom to use it on projects? Absolutely and to that point I would agree. I just wanted to make sure that we all understand we're kind of mixing a couple of funds here and they don't actually align quite like that.

**COUNCILMAN MANSON** – I'll gladly go back and look at it, but I know that it's increasing. It's a bigger number now than it was in 2017. Nothing but logic tells me that. If I look at these other numbers and we're able to spend \$700,000 then a million three then a million nine. Now right now, we're talking three million seven. Well, we know what that's all about. Streetscape, we got a lot of money injected for one project here. In a year or two you're going to be right back on the same trend unless the economy slows down. But if it accelerates it's going to even grow more. The point is that this is what was on the ballot. Three lines here to get the people to vote for this thing. It's very simple and they gave it to us and now we're playing games with it. You show me when we're caught up to a reasonable level, you want to take it off after five years, that's, well, take it off after five years. Where in five years you can come back and say "Hey, we needed a lot for five years". Maybe we can reduce this thing. Maybe it can be less. Maybe we don't need two tenths out of everybody. Maybe just one tenth. We could take it down to 1.9 maybe. But now, you're going to have a hard time selling it because I guarantee I'm going to be out working against it and making these things known.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Mr. Manson, I'm obviously one of the people you're referring to when you're talking about people on Council that were not on Council when this was all passed. However, I've lived in the City of Massillon for twenty-two years, been a taxpayer that

entire time, kept abreast with what's going on with the City finances. I don't see how you can say that removing a credit for the people that work outside of town is wronging the people that work inside of town. It's not changing their taxes at all and the fact that the numbers you state that tax revenue is increasing, to me is even a better reason not to have the credit because we're getting taxes from everybody. I don't agree that people that work outside the City of Massillon should bear the burden of the additional expenses you're talking about. I think that if they pay 100% up to the two and they're paying the same as the people that live in Massillon. So, I don't understand why that be wrong to the people that live in Massillon and work in Massillon.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Because it's money that would have gone into the road program. And like I said, reason again, it was for five years. You want to read all of the ordinances where it said we were going to go 90% for this? "Chapter 181 Income Tax Codified Ordinances of the City of Massillon enacting a new Section 181...to reflect the increase in municipal income tax rate from 1.8% to 2% to be effective January 1, 2017, subject to approval of the electors of the City of Massillon at a primary election to be held in the spring of 2016". That's the one that had Tony Townsend's name on it. That's how far back we started messing around with that. Now then we have the next one that was June 20, 2016, since we decided not to run it in the March or May or whatever election. We decided that we would run it in August which is usually a low voting period, okay. "This ordinance is to take effect January 1, 2017, only if the municipal income tax is increased to the amount of 2% at the special election to be held on August 2, 2016. In the event the income tax increase is defeated by such election, the ordinance shall be null and void". It was passed by the voters, not us, by the voters. It was passed also with this in there "Provided that the municipal income tax is raised to 2% effective January 1, 2017, the credit for the tax paid to another municipality shall revert to a tax credit of 90% commencing January 1<sup>st</sup>". And there's more of that stuff in here and there's more stuff that's not in ordinances that's in the literature that we used along the way to sell this thing like that. I had many, many, many people that asked me about how and who was going to pay it. What about the people that work out of town? I said the situation we're in, everybody's going to pay it for five years. I wouldn't be saying this if you guys took that thing off. If this thing's going to run through 2021, I believe it is. 2022, it would be up, okay. So, we have to be starting to work on this in 2021 if the people that are around. I'm just saying we will, but I might not even be here. But you're going to have to start working on it. It's going to have to be replaced, period. It can be replaced at a lower rate, but it's going to have to be replaced because that's all we have for streets now. We don't have enough money in the general fund. We'd be right back at 1% or 2% of capital improvement spending in no time flat if we lose the street levy.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Harris.

**COUNCILMAN HARRIS** – I guess the way I look at this is whether it's \$300,000 a year that it's going to affect the general fund or the street improvement project or \$400,000 or \$500,000 at the end of the day you can either look at this two ways. How much is that \$300,000 or \$400,000 or \$500,000 is going to get us in roads or how much is the \$300,000 or \$400,000 or \$500,000 going to inject into our local economy? Because if you hadn't noticed, our local businesses are hurting pretty bad. That money is going to go into our local businesses. Even if it is \$100 for the average person. That's two more times I get to take my family out to dinner.

That's two more pairs of pants Sally down the road can get for her son. That's important and something to think about.

**COUNCIL PRESIDENT ISTNICK** – Anyone else?

**COUNCILMAN MANSON** – I know a lot about economics and I don't buy that story right there. We had a problem to take care of and we haven't taken care of it. Like I said, I get calls about alleys all the time. You know what I tell them? We're working on our streets; when we get caught up, we'll do alleys. I don't like telling people that. I'd like to tell them that we can get the stuff done right now. But if we're going to give the money away, we're not going to be able to do that. I've been complaining about catch basins and you know that every year. Even if you weren't here before when we did this. \$500,000 is not enough. Joel Smith said that we may have 7,000 catch basins that need to be done and we're doing a couple hundred a year or something like that. Come on. And you give a break on taxes that the people were willing to go along with because it was for streets. I admit, it'll take a little money out of somebody's pocket that maybe would have been spent at Smiley's or some place like that. But we needed for the streets and we went and appealed to the people and that's what we got.

**COUNCIL PRESIDENT ISTNICK** – Councilman Harris.

**COUNCILMAN HARRIS** – With all due respect, Mr. Manson, we're not giving the money away. We're giving it back to the people who earned it.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Thank you.

13. **CALL OF THE CALENDAR**

14. **THIRD READING ORDINANCE AND RESOLUTIONS**

15. **SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 114 – 2019**

**BY: COMMITTEE OF THE WHOLE**

AN ORDINANCE repealing Ordinance No. 68 – 2012, effective January 2020, and reinstating the increase in pay based on the previous year's United States Consumer Price Index for the Council President and Council Members, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – Yes, thank you, Madam President. This is another great one to talk about. I don't really care about this one. You made some statements, Mike, that you really didn't care about what you made when you came on Council. I don't either. I didn't then and I don't now. The reason I look at this is because I was asked by Council people and I was asked by elected people in the Administration to look at the pay raises. You may think we're part-time, but I'm going to tell you what; if you didn't pay for this job, I don't think a lot of people would be wanting this job. And you and I didn't determine that it's paid for. We determined what level it's paid at, but the State of Ohio determined that these jobs are going to be here and they're going to be paid by Ohio Revised Code and until we get people coming forward and I'm telling you, I had at least three people on Council and started in April. If you remember, we went and got stuff from Warren, Barberton, New Philly; why did we even waste

our time? Why didn't somebody speak up and say we just don't want to do this? Just like this thing back here. I mean, come on. There was hardly a word said. That's why I wanted to talk about that. Hardly a word said about this stuff and then we're going to separate Council people from these other elected people here. Andrea, she's elected, the Mayor's elected, the Auditor, the Treasurer. They're elected. What, we're going to give them raises? They've been getting bigger raises than all these people here anyhow. But I don't really care about it. But I thought it would be something good to get in place and right away you turn it into a political hassle and I said when we started back in April that's what I was trying to avoid. That's why it was done by those people, I talked to those people at that time to avoid having this happen every two years, just turning it into a political football and that's what it is now. And honestly, they should be together. That should have been one ordinance and I know I said one ordinance at one time. I let it come through as two but I should...the Mayor, the Auditor, the Law Director, the Treasurer, City Council, City Council President, they should all be on the same ordinance. All handled the same way. To go out and do one and don't do the other, forget it. Just don't do any of them. You heard it in there; we've got employees under paid. You heard that in there, okay. If we're going to do something about it, we do something about all of it. But the way it's set up like that is not to gouge anybody. There are people that were saying that we need to increase Council salaries significantly so we can get better people. We give them more money, would we get a better person than you might. Is that what they were saying? I don't necessarily agree with that. I don't think that has anything to do with it. I mean, I had to make a living, but I never worried about what I made. Never worried about what I made.

**COUNCIL PRESIDENT ISTNICK** – Councilman Gregg.

**COUNCILMAN GREGG** – Mr. Manson, I agree that typically to get better people, you need to have better compensation. I don't think that's true in a part-time position. I do think it's true in the elected official's position. That's why I would support a raise. In this case, we're not talking about a raise. We're talking about putting the mechanism in place for going forward for automatic increases. But, you know as well as I do, it's going to be perceived as a raise and I don't support that for Council, but I would support it for elected officials because I believe we do need to attract good talent and I think for a full-time position in the City government, higher compensation would help to do that.

**COUNCIL PRESIDENT ISTNICK** – Anyone else? Councilman Manson.

**COUNCILMAN MANSON** – Well, I've operated in business for a long time and I heard that stuff all the time by administrators that you had to pay more money to get better people and that's not true. There are a lot of very good operating places where people are relatively happy with what they're making and it's not sky high, but they have good jobs and they're taken care of well. It isn't just dollars and cents, but it still makes no sense when we're acting on something like this to separate them. You either do it with them or just vote them all down and forget it. Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Councilman Manson. Ord. No. 114 – 2019 has received second reading. Ord. No. 115 – 2019.



AN ORDINANCE repealing Ordinance No. 69 – 2012, effective January 1, 2020, and reinstating the increase in pay based on the previous year's United States Consumer Price Index for the Mayor, Auditor, Law Director and Treasurer, and declaring an emergency.

**COUNCIL PRESIDENT ISTNICK** – Councilman Manson.

**COUNCILMAN MANSON** – One thing I would like to say, two things. The people that want this raise should come up and start speaking about it openly. We have a lot of people that want it that are afraid to come out and support it. So, they let us break down into arguments like this. So, get them in here and let them support it. If they don't, I say make it go away. Just forget them. Second reading.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Ord. No. 115 – 2019 has received second reading.

**16. NEW AND MISCELLANEOUS BUSINESS**

**17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**

**LINDA MILLER** – 1225 Springhill Ave. N.E. I just wanted to thank the Council members that supported our variances. This has not been easy, but I can personally guarantee that what we want to do is not in anyway going to be a detriment to our neighbor or neighborhood. We've lived there for 45 years. Three different neighbors came and wanted to come with us and support. And we said "No", we trust the process. So, thank you and feel free to stop by anytime and you can see what we're doing. Thanks.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Linda. Anyone else?

**L.J. DELUCA** – Wow, Mr. Manson, maybe me and you could have a beer over at Jen's or something. This has been a long day, thanks. I forgot what I was going to say, but I remembered real quick. 2954 Veterans Blvd. S.E., Massillon, Ohio. Madam President, hello. President, Pro Tem, Paul Manson, hello. All of the Council members. Jason Harris, all of the Council members. I want to thank you for your service as a Marine. My dad has been in the Army, a lot of my relatives have been in there and I caught your thing with my friend, Josh. So, I appreciate it and thank you for your service and anybody else that has been a Marine, I appreciate you, Jason. I want to start a little bit here about economic development. I've been on this for awhile and beating the old drum like the Indians up there. The City of Massillon is not like Las Vegas where we're rolling the dice and see what happens here, folks. First off, economic development, if you work outside of the City, a lot of my friends do, that's part of economic development. Some of you may not. Let's give it to them. We're doing streetscape, my gosh for 2.5 million. You got 7,000 basins, I talked to Joel Smith too. You're right, your right on, spot on, almost that. Affinity Medical Center; \$6,800 a day. \$204,000 a month, Josh, and over 1 billion in five months. We got a hard date for a lot of you, I talked to you, set up by the Mayor, December 31, 2019. Now we either got to tear that thing down or we're going to start losing money on this hospital. I heard a big whopper one here that the Cleveland Clinic might buy Mercy Medical Center. A well-respected doctor close to some of these politicians in Massillon, Ohio, kind of made that comment to me and I started thinking. Well, maybe we can put the Aultman Massillon ER band-aid on ice and I remember that song, I think a lot of you

people remember, "Ice, ice, baby ice. Ice, ice, baby ice". We can put that ER band-aid on ice. I'm not to happy about the Affinity Medical Center. Streetscape! I went down and I visited streetscape down there. I visited streetscape and I took a picture. We got about, and I like Central Allied because they were one of my accounts, back in the day. They got about 10 to 12 people working on one side and I got pictures right with me right now in my smartphone and we got about zero on the other side. You mean we can't do, Mayor, we can't get this done? Then I understand you hired somebody to oversee the project, okay. We don't have economic development in this town. We need a change. This streetscape may be aesthetically beautiful and people get their nails done at some salons here in town. But we don't need any aesthetics anymore. We need you to get this thing going. What it is, Mayor, is the fact, I'm not asking you a question because I know you won't answer. What it is, Mayor, is you got this thing going and it should have been done long time ago and in retrospect and I'll end it up here, I think that you should have done a year and a half and had it open instead of having a dead city like a bomb in it. It's terrible.

**COUNCIL PRESIDENT ISTNICK** – Thank you, Mr. Deluca. Anyone else?

**JAMES HAAVISTO** – 2443 Wittenberg Ave. S.E. Good evening Council. Just wanted to talk in general about the City and just again, things I'm talking with people about on the street. Mr. Manson, this may shock a lot of people in this room, but I think you're half right. I think there's a lot of things that have been neglected and not taken care of in this City over consistently long periods of time and the people, from what I can tell as a citizen, me included, are tired of not having the basics taken care of. We always hear about streets. We hear about these catch basins and steel plates. We've talked about them a dozen times; a hundred times. So, you're half way there. The problem is you're correct, we need revenue to run the City and this isn't about you. I'm not picking you on at all because I appreciate what you're saying. This City needs taken care of. But the perception is what's been done over the years is we've ignored that over special "pet" projects and we seem to have these phases of streetscape going on while we have a hospital that draining our finances and the red button is coming, there's no doubt about it and everyone in this room, I believe, knows that. We have to focus. People are asking me, they're joking about it. Why are we doing "M's" in Lincoln Way? Is it true we're doing "M's" in Lincoln Way? That's fine for a booming city. Once again, that is not economic development, those are public works projects. Now we're talking about Phase II. Most people in the City don't know what that is. When they find out we want to redo Duncan Plaza, they're like, are you kidding me. I'm just passing on information. I feel the same way as well. I think we can do some upgrades to Duncan Plaza for a lot less money. I'm so tired of hearing about, we got a grant for it. I'm not going to teach my grandson because I get money from somewhere that we're going to blow it on things we don't need. I've never taught my kids that and they are solid contributors to this society. They're solid contributors in Massillon, Ohio, and I'm going to continue to start to hold government accountable from my perspective. I'm not always right, but I'll tell how we can get the \$375,000. If we would have created over the last eight years, simply three jobs, three jobs per month at \$65,000 per year, we would have created enough revenue to replace that \$375,000. That \$375,000, excuse me, the income from those 250 jobs, would create enough churning within this economy to have another coffee shop. To have some more bars; to have more restaurants open up in the City because it would have churned, according to studies, about \$200 million dollars as it churned within this City. And that's income tax, that's sales tax and so on other things that affect other areas of the County. So, we are not doing those things. We have not held ourselves, as a City, accountable for economic development, for attracting jobs, for bringing in from the smallest to the largest manufacturers. If we're going to have "M's" in the intersections downtown let's let

them stand. Look at it from both sides, men and women and make sure they're working and manufacturers are growing our economy because that's the only thing that's going to bring us out of this mess, not increasing taxes. Thank you.

**COUNCIL PRESIDENT ISTNICK** – Thank you. Anyone else?

**18. ADJOURNMENT**

**COUNCILMAN HARRIS** – Thank you, Madam President. I make a motion that we adjourn.

**COUNCIL PRESIDENT ISTNICK** – Seconded by Councilwoman Starrett. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT